

### **Remarks**

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated September 8, 2005, indicated that claims 1, 2, 7 and 21 stand rejected under 35 U.S.C. § 102(b) over Yamamura (U.S. Patent No. 5,250,983); claim 3 stands rejected under 35 U.S.C. § 103(a) over Yamamura in view of Lin (U.S. Patent No. 6,071,656); and claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) over Yamamura in view of Wolf *et al.* ("Silicon Processing for the VLSI Era" Vol. 1, 1986, p. 478).

Applicant has amended claim 1 to further characterize that the overlay target has a width that corresponds to a stepper rotational error between the two regions. Support for the amendment may be found in the Specification, for example at page 18, line 7 - page 20, line 13 and in connection with Figs. 6A-C. The amendment does not introduce new matter and the claims are believed to be patentable for the reasons discussed below.

Applicant respectfully traverses each of the prior art rejections (Section 102(b) and Section 103(a)) because the Office Action fails to present a reference, or combination of references, that corresponds to the claimed invention. The Office Action fails to identify where the '983 reference teaches an overlay target that has a width that corresponds to a stepper rotational error. The only overlay discussed in the '983 reference is that of scribe lines to introduce separation between alignment marks; no overlay of alignment marks is taught. *See* discussion of Figs. 5A-B at column 3, line 52 – column 4, line 6. The '983 approach differs from the claimed invention at least in that an overlay target, as claimed, is not formed. Without a presentation of correspondence to each of the claimed limitations, the Section 102(b) rejection is improper, and Applicant requests that it be withdrawn.

As each of the Section 103(a) rejections relies primarily on the '983 reference, Applicant submits that these rejections are improper for the reasons discussed above. The '983 reference fails to correspond to the claimed invention, and neither of the supplemental references cited overcome the deficiencies of the '983 reference. Accordingly, Applicant requests that the Section 103(a) rejections be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

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